

Planning and Zoning Commission Regular Meeting
Minutes
March 29, 2006

1. CALL SESSION TO ORDER

The March 29, 2006 Regular called meeting of the Planning and Zoning Commission was held in the Council Chambers of the City Hall of Round Rock located at 221 East Main Street. With a quorum present, Chairman Al Kosik called the meeting to order at 7:05 p.m.

2. ROLL CALL

Present for roll call were Chairman Al Kosik, Vice Chairman Peter Drapes, Commissioners Dale Austin, Russ Boles, Betty Weeks, David Pavliska, Larry Quick, and Ray Thibodaux. Commissioner Sandy Arnold was absent from the meeting. Staff included Susan Brennan, Planning Coordinator; Bernadette Hayes, Senior Planner; Shannon Burke, Senior Planner; Lee Heckman, Associate Planner; Alysha Girard, Public Works, Engineering and Development Services; David Buzzell, PARD; Charlie Crossfield, Sheets & Crossfield; and Diane Buck, Planner Tech.

3. APPROVAL OF THE FEBRUARY 15, 2006 REGULAR MEETING MINUTES

Amend agenda item number 3 to read, "Dale Austin had not received a copy of the minutes..." instead of Peter Drapes.

Motion: Motion by Commissioner Boles, second by Commissioner Drapes to approve the February 15, 2006 Regular Meeting minutes as amended.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Vice Chairman Drapes, and Chairman Kosik. The vote was 8-0. The motion carried.

4. ELECTION OF VICE CHAIR

Ms Brennan noted that the Commission did not have an official Vice Chair. Chairman Kosik opened the floor for nomination of Vice Chair. Commissioner Pavliska nominated Peter Drapes with Commissioner Thibodaux seconding the nomination. With no other nomination, Chairman Kosik asked for a motion to close the nomination.

Motion: Motion by Commissioner Pavliska, second by Commissioner Thibodaux to close the nominations.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Vice Chairman Drapes, and Chairman Kosik. The vote was 8-0. The motion carried.

Chairman Kosik stated the nominee was Commissioner Drapes and requested a vote.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Vice Chairman Drapes, and Chairman Kosik. The vote was 8-0. The motion carried.

5. CONSENT AGENDA

The following item was approved on the Consent Agenda:

5.B. Consider the Amended Final Plat of Anderson Addition, Lots 5, 6, 7 & 8, Block 2, application no. 2006-009-FP.

Motion: Motion by Commissioner Thibodaux, second by Commissioner Quick to approve the above consent agenda item as presented.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Vice Chairman Drapes, and Chairman Kosik. The vote was 8-0. The motion carried.

The following items (5.A., 5.C., 5.D., 5.E., 5.F.) were pulled for discussion from the Consent Agenda:

5.A. Consider the Preliminary Plat of Chisholm Trail Commercial, application no. 2005-033-PP.

Ms. Hayes recommended this plat be approved with the following condition: “Per TXU, a required 10 ft. PUE, 20 ft. PUE and 100 ft. existing Electric Transmission Line Easement shall be added to the preliminary plat and any subsequent final plats affected by the easements. This shall be done prior to recordation of the final plats affected by these easements”. Commissioner Boles was concerned with the alignment of Chisholm Pkwy. in respect to this tract and the limited development potential in the future. Ms. Girard outlined possible future development and uses around TXU transmission lines.

Motion: Motion by Commissioner Pavliska, second by Commissioner Drapes to approve this item with one (1) condition.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Vice Chairman Drapes, and Chairman Kosik. The vote was 8-0. The motion carried.

5.C. Consider the Final Plat of Butler-Lewis Subdivision, application no. 2006-010-FP.

Ms. Hayes stated the final plat was recommended for approval with the following condition: “Remove note #5, because it is not required.”

Motion: Motion by Commissioner Boles, second by Commissioner Drapes to approve this item with one (1) condition.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Vice Chairman Drapes, and Chairman Kosik. The vote was 8-0. The motion carried.

5.D. Consider the Final Plat of Estates of Settlers Park Section 4A, application no. 2006-012-FP.

Ms. Hayes stated the final plat was recommended for approval with the following condition: “Rephrase note #6 to read, “A PUE and Sidewalk Easement ten (10) feet wide abutting and along the streetside property line is hereby dedicated for all streetside property lots shown hereon.”

Motion: Motion by Commissioner Austin, second by Commissioner Thibodaux to approve this item with one (1) condition.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Vice Chairman Drapes, and Chairman Kosik. The vote was 8-0. The motion carried.

5.E. Consider the Amended Final Plat of Palm Valley Plaza, application no. 2006-021-FP.

Ms. Hayes stated the amended final plat was recommended for approval with the following conditions: 1.) The City of Round Rock City Manager signature shall be provided prior to recordation. 2.) Replace note 8 and 9 with the following, “With the exception of the Wastewater Line Easement recorded in Doc. # 2002006859 and the Variable Width Water Line Easement recorded in Doc. # 20020071222, all drainage, sidewalk and water easements shown hereon were dedicated with the original plat as recorded in Cabinet AA, Slides 327 and 328. Said drainage, sidewalk, and water easements depicted on the Amended Plat remain in their original location, remain in full force, and affect. The 30-foot Water and Wastewater Easement encumbering Lots 4 & 5 is dedicated with this plat.” 3.) Remove note # 5, it is not required.

Chairman Kosik asked about the varying width of the sidewalk easement across three (3) lots. Ms. Girard noted that this was typically due to a box culvert being located at that site.

Motion: Motion by Commissioner Boles, second by Commissioner Pavliska to approve this item with three (3) conditions.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Vice Chairman Drapes, and Chairman Kosik. The vote was 8-0. The motion carried.

5.F. Consider the Vacation of Final Plat of Estates of Settlers Park Section 4B, application no. 2006-001-V.

Ms. Hayes stated all documentations had been received for the vacation of this final plat and staff recommended approval.

Motion: Motion by Commissioner Pavliska, second by Commissioner Thibodaux to approve this item.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Vice Chairman Drapes, and Chairman Kosik. The vote was 8-0. The motion carried.

6. ADDITIONAL PLATS

6.A. Consider the Final Plat of Chisholm Trail Commercial, Lot 1, Block A, application no. 2006-008-FP.

Ms. Hayes explained the condition was removed, now that the preliminary plat was approved. Staff recommended approval for the final plat. She noted that Value Place Inn was the hotel proposed for this development.

Motion: Motion by Commissioner Pavliska, second by Commissioner Thibodaux to approve this item.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Vice Chairman Drapes, and Chairman Kosik. The vote was 8-0. The motion carried.

6.B. Consider the Final Plat of Estates of Settlers Park Section 4B, application no. 2006-013-FP.

Ms. Hayes stated staff recommended approval with the following condition: “The Document vacating the Estates of Settlers Park Section 4B is recorded prior to this Plat being recorded.”

Motion: Motion by Commissioner Pavliska, second by Commissioner Thibodaux to approve this item with one (1) condition.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Vice Chairman Drapes, and Chairman Kosik. The vote was 8-0. The motion carried.

7. TABLED ITEMS NOT REQUIRING A PUBLIC HEARING

The following items were acted on as one item:

7.A. Consider the Final Plat of CR122 at Paloma Lake, application no. 2006-014-FP.
The applicant has requested this item be tabled until the May 3, 2006, meeting.

7.B. Consider the Final Plat of Paloma Lake Section 17A, application no. 2006-015-FP.
The applicant has requested this item be tabled until the May 3, 2006, meeting.

7.C. Consider the Final Plat of Paloma Lake Section 17B, application no. 2006-016-FP.
The applicant has requested this item be tabled until the May 3, 2006, meeting.

7.D. Consider the Final Plat of Paloma Lake Section 18, application no. 2006-017-FP.
The applicant has requested this item be tabled until the May 3, 2006, meeting.

7.E. Consider the Final Plat of Bahrami Estates, application no. 2006-018-FP.
The applicant has requested this item be tabled until the May 3, 2006, meeting.

7.F. Consider the Final Plat of 620 Medical Center, application no. 2006-019-FP.
The applicant has requested this item be tabled until the July 12, 2006, meeting.

7.G. Consider the Final Plat of Autozone at Warner Ranch, application no. 2006-020-FP.
The applicant has requested this item be tabled until the May 3, 2006, meeting.

Motion: Motion by Commissioner Boles, second by Commissioner Drapes to table all seven (7) items.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Vice Chairman Drapes, and Chairman Kosik. The vote was 8-0. The motion carried.

8. WITHDRAWN ITEMS

8.A. The application filed by the City of Round Rock to zone 496.084 acres of land out of the P. A. Holder Survey, Abstract No. 297, the P.A. Holder League Survey No. 211 and the P.A. Holder League and the Joseph Marshall Survey Abstract No. 409, Williamson County, Texas, to Business Park, application no. 2006-001-Z, has been withdrawn.

9. ZONING AND PLATTING: PUBLIC HEARING/DISPOSITION

9.A. Consider public testimony regarding the application filed by C.H. Crossley, Sr., C.H. Crossley, Jr., Patsy Crossley, & Calvin & Peggy Moerbe, to zone 41.505 acres and 3.409 acres of land out of the P.A. Holder Survey, Abstract No. 297, situated in Williamson County, Texas, to SF-2 (Single Family – Standard Lot) and C-2 (Local Commercial) respectively, application no. 2006-005-Z.

Mr. Burke stated the applicant had requested the zoning application and associated concept plan be tabled until the next meeting due to a discrepancy in the TIA. Chairman Kosik read the following request, “As a representative of the applicant for the Preserve at Forest Creek we respectfully request the postponement of the zoning and concept plan to the May 3, 2006 agenda due to needed revisions of the TIA. Sincerely, Jana Rice” This would affect items 9A, 9B, 9C and 9D. Mr. Burke noted that if there was anyone there to speak on these items, the developer and engineer were present and could answer questions regarding these items.

Chairman Kosik acknowledged that there might be individuals present that had come to voice concerns during the public hearing. He noted it would better impact the commission if those comments were held until the night that the commission deliberates on that item but anyone wishing to speak may during the public hearing.

Chairman Kosik opened the public hearing and asked anyone wishing to speak for or against this item to come forward. Seeing none, the public hearing was closed. Chairman Kosik noting the developer’s request to table this item, he asked if there was a motion to table this item until the next meeting.

Motion: Motion to continue the public hearing at the next meeting by Commissioner Thibodaux, second by Commissioner Drapes.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Vice Chairman Drapes, and Chairman Kosik. The vote was 8-0. The motion carried.

9.B. Consider a recommendation to approve the zoning of 41.505 acres and 3.409 acres to SF-2 (Single Family – Standard Lot) and C-2 (Local Commercial) respectively, application no. 2006-005-Z.

Chairman Kosik noting the developer’s request to table this item, he asked if there was a motion to table this item until the next meeting.

Motion: Motion to table this item to the next meeting by Commissioner Boles, second by Commissioner Thibodaux.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Vice Chairman Drapes, and Chairman Kosik. The vote was 8-0. The motion carried.

Commissioner Drapes asked the staff and developer to consider altering the name of this development to make it consistent with the area in which it will be located.

9.C. Consider public testimony regarding the application filed for the approval of the Preserve at Forest Creek Concept Plan, application no. 2006-001-CP.

Chairman Kosik opened the public hearing and asked anyone wishing to speak for or against this item to come forward. Seeing none, the public hearing was closed. Chairman Kosik noting the developer's request to table this item, he asked if there was a motion to table this item until the next meeting.

Motion: Motion to continue the public hearing at the next meeting by Commissioner Pavliska, second by Commissioner Austin.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Vice Chairman Drapes, and Chairman Kosik. The vote was 8-0. The motion carried.

9.D. Consider a recommendation to approve The Preserve at Forest Creek Concept Plan, application no. 2006-001-CP.

Chairman Kosik inquired about ROW for Arterial A. Ms. Hayes stated ROW would be dedicated with this plat. Commissioner Quick asked about the ordinance that prohibits the duplication of any street name north of the Colorado River. He suggested the language is outdated and staff should consider amending the Subdivision Ordinance. Ms. Brennan said they could work with Williamson County to modify the language.

Chairman Kosik noting the developer's request to table this item, he asked if there was a motion to table this item until the next meeting.

Motion: Motion to table this item to the next meeting by Commissioner Pavliska, second by Commissioner Drapes.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Vice Chairman Drapes, and Chairman Kosik. The vote was 8-0. The motion carried.

9.E. Consider public testimony regarding the application filed by CRPHYH, L.P., to rezone 26.208 acres of land out of the David Curry Survey, Abstract No. 130, and the Ephraim Evans Survey, Abstract No. 212, situated in Williamson County, Texas, from LI (Light Industrial) to C-1a (General Commercial – Limited), application no. 2006-006-ZC.

Mr. Burke outlined the proposed changes and noted that the other properties along this stretch of IH-35 were recently reclassified from industrial to commercial on the future land use map. These amendments were made in response to recent development that altered this area from industrial to commercial. Mr. Burke gave examples of the type of development possible with C-1a. Staff recommends approval.

Chairman Kosik stated this was a public hearing and asked anyone wishing to speak for or against this item to come forward. Seeing none, the public hearing was closed.

9.F. Consider a recommendation to approve the rezoning of 26.208 acres from LI (Light Industrial) to C-1a (General Commercial – Limited), application no. 2006-006-ZC.

Motion: Motion to approve by Commissioner Austin, second by Commissioner Thibodaux.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Vice Chairman Drapes, and Chairman Kosik. The vote was 8-0. The motion carried.

9.G. Consider public testimony regarding the application filed by Chandler Creek, L.P., to rezone 8.842 acres described as Lot 1, Oakmont Centre, Section Four, and 2.142 acres out of Lot 1, Block A, Oakmont Centre, Section Seven (for a total of 10.984 acres) from LI (Light Industrial) to C-1a (General Commercial – Limited), application no. 2005-032-ZC.

Mr. Burke noted this tract and others in the area, had recently been reclassified from industrial to commercial on the future land use map. He outlined the differences in C1 and C-1a developments.

Chairman Kosik stated this was a public hearing and asked anyone wishing to speak for or against this item to come forward. Seeing none, the public hearing was closed

9.H. Consider a recommendation to approve the rezoning of 10.984 acres from LI (Light Industrial) to C-1a (General Commercial – Limited), application no. 2005-032-ZC.

Mr. Burke answered more questions from the commissioners on the differences in C1 and C-1a developments. He noted using trees to line University Blvd. was being considered as part of a future corridor plan and might be incorporate into the site planning stage of development. Ms. Girard explained that the Scott & White property had a major drainage feature that made access to Cypress Blvd. difficult. Their primary driveway would be from Oakmont with a secondary driveway from University Blvd. At this point, the land use of the southeast corner, which had floodplain issues, had not been determined.

Motion: Motion to approve by Commissioner Boles, second by Commissioner Quick.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Vice Chairman Drapes, and Chairman Kosik. The vote was 8-0. The motion carried.

9.I. Consider public testimony regarding the application filed by the City of Round Rock to rezone 1.377 acres described as Lot 1, Block A, Oakmont Centre, Section Seven, from LI (Light Industrial) to PF-2 (Public Facilities – Medium Intensity), application no. 2006-008-ZC.

Mr. Burke gave the location of the property and noted the City had recently selected this site as best location for a permanent fire station to serve the northeast developments in Round Rock. Staff recommends PF-2 (Public Facilities – Medium Intensity) as the most appropriate district for this type of use.

Chairman Kosik stated this was a public hearing and asked anyone wishing to speak for or against this item to come forward. Seeing none, the public hearing was closed

9.J. Consider a recommendation to approve the rezoning of 1.377 acres, from LI (Light Industrial) to PF-2 (Public Facilities – Medium Intensity), application no. 2006-008-ZC.

Motion: Motion to approve by Commissioner Boles, second by Commissioner Drapes.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Vice Chairman Drapes, and Chairman Kosik. The vote was 8-0. The motion carried.

9.K. Consider public testimony regarding the application filed by Joe and Billie Repa, David and Norma Dillard, T.J. Marshall, Saeed Moshfegh, Mahin Bahrani, and Don Carlson to rezone 2.7 acres described as Lot 12, Block 1, and Lots 1-4, Block 2, Egger's Acres, from SF-2 (Single Family – Standard Lot) to C-2 (Local Commercial), application no. 2006-007-ZC.

Mr. Burke outlined the location and proposed zoning change noting the applicants' contention that traffic and noise from US Hwy. 79 have made this area unsuitable for residential use. He stated that even though the applicants approached the City with new deed restrictions that would allow for commercial zoning, the City does not enforce deed restrictions. Area property owners had signed off on the new deed restriction that would allow commercial zoning along US Hwy. 79. The property owners along US Hwy. 79 and west of this location are working on making similar changes to their deed restrictions. Staff agrees that single family homes along US Hwy. 79 are not appropriate and support the proposed changes.

Chairman Kosik stated this was a public hearing and asked anyone wishing to speak for or against this item to come forward. He noted seven (7) speakers had signed up to speak. These included:

- 1.) T.J. Marshall (802 E. Taylor Hwy, RR, TX 78664) was not present.
- 2.) Mr. Kerry Bell (610 Lilac Dr., RR, TX 78664) was concerned with a possible drop in property value, intrusion from the commercial property and the need for noise barriers;
- 3.) Mr. Kevin Fritsch (602 Lilac Dr., RR, TX 78664) had concerns regarding the type of commercial development that would be allowed, property values, safe environment for children and enforcement of deed restrictions;
- 4.) Mr. Morris Noren's (608 Lilac, RR, TX 78664) concern was quality of life, blowing trash, dumpster odor and early morning noise as they are emptied, additional stress on an existing problematic sewer line;
- 5.) Mr. Joe Repa (1100 Egger Ave., RR, TX 78664) supported zoning change;
- 6.) Mr. David Dillard (1101 Egger Ave, RR, TX 78664) supported zoning change;
- 7.) Dr. Don Carlson (808 E. RR,) supported zoning change; and
- 8.) Mr. Howard Johnson (did not sign up) said that even with the noise and traffic, he wanted to continue to live in his home.

Seeing no other speakers, Chairman Kosik closed the public hearing.

9.L. Consider a recommendation to approve the rezoning of 2.7 acres, from SF-2 (Single Family – Standard Lot) to C-2 (Local Commercial), application no. 2006-007-ZC.

Mr. Burke outlined the new deed restrictions noting that specific types of business would not be allowed due to noise and devaluation of the surrounding properties. He also reviewed C-2 zoning requirements. The commissioners' main concerns were: 1.) without an active Home Owner Association, the difficulty and cost to a property owner to enforce the deed restrictions; 2.) C-2 zoning possibly being more appropriate for raw land rather than a redevelopment; 3.) the possibility of creating a new zoning district (i.e.: C-3, PUD or conditional overlay) for this area; 4.) maintaining the integrity of the remaining Egger Acres; 5.) the time limit on deed restrictions was only 25 years; 6.) the number of driveways onto Hwy 79.

Motion: Motion to table the recommendation by Commissioner Weeks, second by Commissioner Drapes.

Vote: **AYE:** Commissioner Thibodaux, Commissioner Pavliska, Commissioner Boles, Commissioner Weeks, Vice Chairman Drapes, and Chairman Kosik. **OPPOSED:** Commissioner Austin. **ABSTAINED:** Commissioner Quick. The vote was 6-1-1. The motion carried.

9.M. Consider public testimony regarding the application filed by Palm Valley Office, L.P., to rezone 3.02 acres described as Lot 1, Block A, Christ Covenant Addition, from SF-2 (Single Family – Standard Lot) to C-2 (Local Commercial), application no. 2006-004-ZC.

Mr. Burke reviewed the proposed zoning changes. Chairman Kosik stated this was a public hearing and asked anyone wishing to speak for or against this item to come forward. He noted two (2) speakers had signed up. 1) Mr. Srinivas Manda purchased his home knowing a church was proposed on this property and opposes the proposed zoning changing to commercial. 2) Mr. Pradeep Patra had small children, spent time in their back yard and did not want late night businesses. 3) Mr. Larry White (did not sign up) was concerned that this was the only meeting and that he wanted to know what type of business would be located on subject property.

Seeing no other speakers, Chairman Kosik closed the public hearing.

9.N. Consider a recommendation to approve the rezoning of 3.02 acres, from SF-2 (Single Family – Standard Lot) to C-2 (Local Commercial), application no. 2006-004-ZC.

Mr. Burke reviewed the type of business that was acceptable and unacceptable for C-2 zoning. By federal law churches can be located in all zoning districts except industrial. Also addressed were building setbacks, landscaping, fencing, and shielded lighting to provide a buffer between commercial developments and residential property.

Motion: Motion to approve by Commissioner Weeks, second by Commissioner Austin.

Vote: AYE: Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Vice Chairman Drapes, and Chairman Kosik. The vote was 8-0. The motion carried.

APA National Conference in San Antonio

Ms. Brennan reported that Commissioner Weeks, Quick and Thibodaux were scheduled to attend the conference.

Signage Issue

Commissioner Boles had a concern regarding the condition of a sign located at the Shop and Pack on Hwy 79. Ms. Brennan said they would follow up on that issue.

ADJOURN

There being no further discussion, the meeting adjourned at 9:27 p.m.

Respectfully Submitted,

Diane Buck

Planner Tech